

FIFTY-SECOND DAY

(Thursday, April 15, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President pro tempore Mauritz.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Aikin.

Message from the Governor

The following message from the Governor was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 15, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Pharmacy for six year terms to expire June 14, 1949:

Marion E. Dooley of Wolfe City, Hunt County;

Paul D. Carroll of Texarkana, Bowie County.

To Be a Member of the Texas Prison Board to fill the unexpired

term of Honorable E. L. Kurth, resigned, term to expire February 2, 1945:

Claude K. McCann of Victoria, Victoria County.

To be Members of the State Board of Health for six year terms to expire June 15, 1949:

Dr. Howard Granberry of Austin, Travis County;

Dr. Sam E. Thompson of Kerrville, Kerr County;

J. P. Burden of San Angelo, Tom Green County.

To be Members of the Board of Regents, Texas State College for Women for terms expiring January 10, 1949:

Mrs. Albert G. Walker of Austin, Travis County;

Maury Pollard of Beaumont, Jefferson County;

Isaac O. Newton of Seymour, Baylor County.

To be a Member of the Livestock Sanitary Commission for a six year term expiring May 4, 1949:

Louis J. Wardlaw of Fort Worth, Tarrant County.

To be Members of the State Parks Board for six year terms expiring May 15, 1949:

Wendell Mayes of Brownwood, Brown County;

J. V. Ash of Bastrop, Bastrop County.

To be Members of the Board of Directors, Texas Technological College for terms expiring February 19, 1949:

O. B. Ratliff of Spur, Dickens County;

Kyle Spiller of Jacksboro, Jack County.

To be a Member of the Board of Directors, Texas Technological College to fill the unexpired term of A. J. Riddle, term expiring February 19, 1945:

A. G. (Pat) Mayse of Paris, Lamar County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Reports of Standing Committees

Senator Lovelady submitted at this time the following reports:

Austin, Texas,
April 14, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 136, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute do pass and be not printed.

LOVELADY, Chairman.

Austin, Texas,
April 14, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 341, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
April 14, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. C. R. No. 38, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 316, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 95, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 657, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 274, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 27, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 562, have had same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 46, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 135, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 86, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 560, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B.

No. 188, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 45, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Senator Vick submitted the following reports:

Austin, Texas,
April 13, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred H. B. No. 536, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
April 13, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred H. B. No. 220, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Senator Winfield submitted the following report:

Committee Room,
Austin, Texas,
April 14, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. B. No. 11, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
April 14, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred H. B. No. 207, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

**Communication from Honorable
Abner L. Lewis**

The following communication was read to the Senate:

Austin, Texas,
April 14, 1943.

Hon. Bob Barker, Secretary
Senate of Texas
Capitol Building
City

Dear Bob: Will you please at your convenience, consistent with the rules of the Senate, express to the Members thereof by reading this communication my grateful thanks for their expressions of confidence expressed by their confirmation of me to the Board of Pardons and Paroles.

Very truly,

ABNER L. LEWIS.

Vote on House Bill 564 Reconsidered

Senator Metcalfe moved that the vote by which H. B. No. 564 was passed by the Senate on yesterday be reconsidered.

The motion prevailed.

Senate Concurrent Resolution 44

Senator Metcalfe offered the following resolution:

S. C. R. No. 44, Recalling H. B. No. 564 from the House.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That H. B. No. 564 be returned to the Senate for further consideration.

The resolution was read; and, on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 45

Senator Shivers offered the following resolution:

S. C. R. No. 45, Relating to Federalization of the Texas Unemployment Compensation Commission and to the salaries of State and Federal employees engaged in Texas in employment service duties.

Whereas, The State of Texas, through its Legislature, on the 27th day of October 1936, established and has maintained, under the laws of the State of Texas, since that time a State system of unemployment compensation, by which cash benefits have been paid to its unemployed wage earners from a fund made up of contributions by the employers of the State of Texas, which system has been operated efficiently and in accordance with the laws of the State of Texas; and

Whereas, An attempt was made in the Congress of the United States, through the enactment of a bill known as the "War Displacement Benefits Bill," to superimpose upon the States a Federal unemployment compensation system, which would have led to the Federalization of the State unemployment compensation commissions and the confiscation of the Texas Unemployment Compensation reserves, now totaling more than Ninety Million (\$90,000,000) Dollars on deposit in the Treasury of the United States; and

Whereas, The Chairman and Executive Director of the Texas Unemployment Compensation Commission appeared before the House Ways and Means Committee of the Congress of the United States in opposition to the attempted Federalization of the unemployment compensation commissions, and has on other occasions appeared before other committees of Congress to prevent the Federalization of the State unemployment compensation system; and

Whereas, The question has been raised as to whether or not he represented the views of the government of the State of Texas in opposing the Federalization of the Texas Unemployment Compensation Commission; and

Whereas, It is probable that the same question will arise in the future under the announced policy of the

Social Security Board to get Congress to carry out the recommendations of the National Resources Planning Board's "cradle to the grave" social security program, which includes the Federalization of the State unemployment compensation agencies; therefore, be it

Resolved by the Senate of the State of Texas and the House of Representatives concurring, That it is the declared policy of the Legislature of the State of Texas to oppose the Federalization of the Texas Unemployment Compensation Commission and that the Texas Unemployment Compensation Commission is hereby authorized and directed to do whatever is necessary to prevent the Federalization of the Texas Unemployment Compensation Commission and to fully cooperate with the agencies of other States in making every effort within their means to oppose and prevent any further action, which would, in its judgment, tend to effect complete or substantial Federalization of the State unemployment compensation funds, or State employment security programs.

Whereas, The President of the United States, on December 18, 1942, requested the governors of the respective States to turn over to the Social Security Board the State Employment Service in order to aid the national war effort; and

Whereas, The majority of the Texas Unemployment Compensation Commission turned over to the Federal Government the State employment service, personnel, equipment, and records on a loan basis for the duration of the war, with the expectation that the facilities and personnel loaned for war purposes would be returned to the State when the war has been won; and

Whereas, When said personnel was turned over to the Social Security Board, the Social Security Board, at the insistence of the forty-eight States agreed to maintain the salaries of said personnel at the level of State salaries; and

Whereas, It became necessary to require a rider on the Labor Federal Security Appropriation Act of 1943 in the United States Congress to compel the Social Security Board to continue that agreement; and

Whereas, Said rider expires on July 1, 1943, making it necessary that the Texas Unemployment Compensation Commission state its position with reference to the continuation of this rider; and

Whereas, The Legislature of the State of Texas is of the opinion that if the salaries of the employees of the United States Employment Service are permitted to be increased to the Federal salary level, it will create a serious personnel problem, for the Texas Unemployment Compensation Commission, and will retard the return of the Texas State Employment Service to the State of Texas after the duration of the war, and pending its return create a strong lobby for the continuation of Federal operation of the Texas State Employment Service and the Federalization of the Texas Unemployment Compensation Commission; therefore, be it

Resolved by the Senate of the State of Texas and the House of Representatives concurring, That pending the return to State control after the war emergency, of the employment service facilities, properties, and personnel loaned by the State, that the Texas Unemployment Compensation Commission do everything it can to insure that the salaries of individuals engaged in employment service duties, shall not exceed the salaries which would apply to such positions if said individuals had remained on the State pay roll.

SHIVERS,
MOORE.

The resolution was read; and, on motion of Senator Shivers, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 43, A bill to be entitled "An Act to authorize the State of Texas to institute suit to enjoin any person, firm or corporation, or their

officers, agents or employees from receiving and collecting interest in excess of that authorized by law and from engaging in business of making loans whereon usurious interest is charged; etc.; and declaring an emergency."

S. B. No. 118, A bill to be entitled "An Act appropriating to the State Soil Conservation Board monies for payment of mileage claims of district supervisors for the fiscal year ending August 31, 1942, and August 31, 1943; etc.; and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act to amend Subdivision 23 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925, so that the same shall provide that the venue of suits against a private corporation, association or joint stock company, shall be in the county where such corporation, association or joint stock company has its principal office, or in any county in which the cause of action or a part thereof arose; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 160, A bill to be entitled "An Act to provide for the placing of imprint plates on all State owned postage meters; etc.; and declaring an emergency."

S. B. No. 195, A bill to be entitled "An Act authorizing the appointment by the District Attorney of an assistant in Judicial Districts composed of two or more counties where the District Attorney is absent by reason of being a member of the Armed Forces of the United States of America; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 256, A bill to be entitled "An Act amending Section 3a of Article 695c, entitled the Public Welfare Act of 1939, being S. B. No. 36, as passed by the Regular Session of the Forty-sixth Legislature of the State of Texas, under Chapter 8 of the Revised Civil Statutes of the State of Texas, to provide that the State Board of Public Welfare shall appoint an executive director within ten days from the effective date of this Act who shall serve until January 1, 1945, and shall thereafter appoint an executive director biennially to serve for a term of two years; etc.; and declaring an emergency."

(With amendment.)

The House has concurred in Senate amendments to H. C. R. No. 36 by a vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to H. C. R. No. 54 by a vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 642 by a vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to H. C. R. No. 66 by a vote of 116 yeas, 0 nays.

The House has adopted the Conference report on S. B. No. 124, by a vote of 116 yeas, 0 nays.

The House refused to concur in Senate amendments to H. B. No. 666 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Following conferees have been appointed by the House:

Messrs. Huffman, Burkett, Sadler, Leyendecker, and Helpinstill.

H. C. R. No. 108, Providing for joint session to hear Governor Kerr at 11:00 o'clock today.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Motion to Recommit House Bill 20

Senator Moffett submitted the following motion in writing:

Mr. President: H. B. No. 20 as it passed the House has not been printed and is not available to the Members of the Senate, therefore, I move that H. B. No. 20 be recommitted to the Committee on Public Health with instructions that same again be promptly reported therefrom, and if said report be favorable that H. B. No. 20 be ordered printed as it passed the House, together with such amendments as said committee sees fit to recommend.

MOFFETT.

(President in the Chair.)

Senator Sulak moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10.

Aikin
Graves

Hazlewood
Jones

Lovelady	Sulak
Metcalfe	Vick
Morris	Winfield

Nays—12

Beck	Moore
Brownlee	Ramsey
Bullock	Shivers
Lane	Stone
Lanning	Weinert
Moffett	York

Absent

Chadick	Martin
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Paired

Senator Mauritz (present), who would vote "yea" with Senator Cotten (absent), who would vote "nay."

Question—Shall the motion of Senator Moffett prevail?

Report of Conference Committee on Senate Bill 44

Senator Weinert submitted the following report:

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker of the House,

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 44, have met and considered said bill, and recommend that it do pass in the form and text as attached hereto.

Respectfully submitted,

WEINERT,
LOVELADY,
MOORE,
SHIVERS,
LANE,

On the Part of the Senate;

GOODMAN,
HOYO,
STINSON,
HOWARD.

On the Part of the House.

S. B. No. 44 By Senator Weinert:

A BILL

To Be Entitled

"An Act the purpose of which is to change the method for handling delinquent children from the present criminal procedure to guardianship in order to secure for each child coming within the Act such care, guidance and control as will serve the child's welfare and the best interest of the State; providing for a Juvenile Court in each county of the State in the County or District Courts already established; defining certain terms; providing for the procedure in cases of delinquent children; manner of hearing; dispositional power of Juvenile Court; selection of custodial agency; providing for support of children committed to custodial agency; prescribing that records shall be confidential; permitting physical and mental examinations of children upon order of the court; prescribing places of detention; court session; co-operation; contempt; and methods of appeal; saving clause; re-enacting that portion of Article 2329, Revised Civil Statutes, 1925, dealing with dependent and neglected children; repealing clause; and declaring an emergency and effective date to be sixty days after enactment."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Purpose and Basic Principle. The purpose of this Act is to secure for each child under its jurisdiction such care, guidance and control, preferably in his own home, as will serve the child's welfare and the best interest of the State; and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given him by his parents.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

Sec. 2. Construction of the Act. This Act shall be liberally construed

to accomplish the purpose herein sought.

Sec. 3. Definitions. The word "court" means the "Juvenile Court." The word "Judge" means the Judge of the Juvenile Court. The term "delinquent child" means any female person over the age of 10 years and under the age of 18 years and any male person over the age of 10 years and under the age of 17 years:

(a) who violates any penal law of this State of the grade of felony;

(b) or who violates any penal law of this State of the grade of misdemeanor where the punishment prescribed for such offense may be by confinement in jail;

(c) or who habitually violates any penal law of this State of the grade of misdemeanor where the punishment prescribed for such offense is by pecuniary fine only;

(d) or who habitually violates any penal ordinance of a political subdivision of this State;

(e) or who habitually violates a compulsory school attendance law of this State;

(f) or who habitually so deports himself as to injure or endanger the morals or health of himself or others;

(g) or who habitually associates with vicious and immoral persons.

Sec. 4. Establishment of Juvenile Courts. There is hereby established as follows in each county of the State a court of record to be known as the juvenile court, having such jurisdiction as may be necessary to carry out the provisions of this Act.

In counties having juvenile boards, such boards may designate the County Court or one or more of the District Courts to be the Juvenile Court or Courts for such county, and such designation may be changed from time to time by such juvenile boards. In all other counties the District Court or the County Court shall be the Juvenile Court as agreed between the judges of each respective courts, but until such time such County Court and District Court shall have concurrent jurisdiction in cases of children coming within the terms of this Act.

It is provided, however, that the jurisdiction, powers and duties thus conferred and imposed upon the established courts hereunder are super-added jurisdictions, powers and duties,

it being the intention of the Legislature not to create hereby another office.

Sec. 5. Jurisdiction. The Juvenile Court shall have exclusive original jurisdiction in proceedings governing any delinquent child, and such court shall be deemed in session at all times.

Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes 21 years of age, unless discharged prior thereto, such continued jurisdiction shall, however, in no manner prejudice or constitute a bar to subsequent or additional proceedings against such child under the provisions of this Act.

Sec. 6. Transfer. A transfer may be made of cases from one juvenile court to another juvenile court where a child under the jurisdiction of one juvenile court has moved from one county to another, and where it is to the best interest of such child so to do. The juvenile court having jurisdiction of a child may transfer the case to the juvenile court of the county in which the child is presently residing, and shall send transcripts of records to the Judge of the other court, which shall be filed in the office of the clerk of such court.

Sec. 7. Information, Investigation, Petition. Any person may, and any peace officer shall, give to the Judge, County Attorney, or to the probation officer of the county, information in his possession that a child is within the provisions of this Act. Thereupon the Judge, the County Attorney or the Probation Officer shall make or have made, preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. If either the Judge or the County Attorney shall determine that formal jurisdiction should be acquired, the County Attorney shall prepare and file in the Court, or any attorney may prepare and file in the Court, a petition alleging briefly the facts which bring

said child within the provisions of this Act, and stating: (1) the name, age and residence of the child; the names and residences, (2) of his parents, (3) of his legal guardian, if there be one; (4) of the person or persons having custody or control of the child, and (5) of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state. The proceedings shall be styled "in the matter of....., a delinquent child."

Sec. 7-a. Venue. The petition referred to under Section 7 of this Act may be filed in the Juvenile Court of the county of residence of said child or of the county wherein the acts constituting said child a delinquent child were committed.

Sec. 8. Summons, Notice, Custody of the Child. After a petition shall have been filed, and after such further investigation as the Judge may direct, unless the parties hereinafter named shall voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian, or both, shall be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, if they reside within the jurisdiction of the court, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Judge, is necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the Judge may cause to be endorsed upon the summons an order that the officer serving the same shall at once take the child into custody.

Sec. 9. Service of Summons. Service of summons shall be made personally by a probation officer or peace officer by the delivery of attested copies thereof to the parent, guardian, or person having custody of the child

who is summoned; provided, that jurisdiction may be obtained by the court if the court is satisfied that said officer has made diligent effort to locate such person or persons and has been unsuccessful in locating said persons. It shall be sufficient to confer jurisdiction if service is effected at least two days before the time fixed in the summons for the return thereof.

Sec. 10. Failure to Obey Summons, Warrant. If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the Judge that the servicing will be ineffectual, or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the child himself.

Sec. 11. Release of Child Taken into Custody. Whenever any officer takes a child into custody, he may release said child to a parent, guardian, or any other person upon receipt of a written or oral promise of said person to assume complete responsibility for said child and to have him before the probation officer or the court at any time then, or subsequently specified by said officer. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court or be taken immediately to the probation department, the court, or to the place of detention designated by the Court. The court may make a general order designating such places of detention which may include private foster or boarding homes for children, or such other places of detention which to the court seem desirable. The County Commissioners' Court may pay for boarding or foster home care for such children to be detained, or all children coming within the meaning of this Act whether prior to, or after the child has been adjudged a "delinquent child."

Any peace officer or probation officer shall have the right to take into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, welfare, or

morals. The child shall forthwith be brought to the Judge, who shall order the child's release, or his temporary detention either in the compartment provided for the custody of juveniles, or by a suitable person or agency as in the judgment of the court may seem proper. If the child is ordered detained, the petition provided for herein shall be filed immediately. In every such case the said officer shall refer all such cases, together with information they have secured concerning the child, to the court or the probation department, and the case shall then be proceeded with as specified in this Act, provided that no child shall be taken before a police court or a justice of peace court.

Sec. 12. Transfer from other Courts. If during the pendency of a criminal charge or indictment against any person in any other court than a juvenile court, it shall be ascertained that said person is a female over the age of 10 years and under the age of 18 years, or is a male person over the age of 10 years and under the age of 17 years at the time of the trial for the alleged offense, it shall be the duty of such court to transfer such case immediately together with all papers, documents and testimony connected therewith to the Juvenile Court of said county. The court making such transfer shall order the child to be taken forthwith to the place of detention designated by the Juvenile Court, or to that court itself, or to release such child to the custody of a probation officer or any suitable person to appear before the Juvenile Court, or the probation department of said county at a time designated. The Juvenile Court shall thereupon proceed to set said case for hearing and to dispose of such case in the same manner as if it had been instituted in that court in the first instance.

Sec. 13. Hearing, Judgment. The Judge may conduct the hearing in an informal manner and may adjourn the hearing from time to time. In the hearing of any case the general public may be excluded. All cases involving children shall be heard separately and apart from the trial of cases against adults.

If no jury is demanded, the Judge shall proceed with the hearing. When the proceeding is with a jury, the verdict shall state whether the juve-

nile is a "delinquent child" within the meaning of this Act, and if the Judge or jury finds that the child is delinquent, or otherwise within the provisions of this Act, the court may by order duly entered proceed as follows:

(1) place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine;

(2) commit the child to a suitable public institution or agency, or to a suitable private institution or agency authorized to care for children; or to place them in suitable family homes or parental homes for an indeterminate period of time, not extending beyond the time the child shall reach the age of twenty-one (21) years;

(3) make such further disposition as the court may deem to be for the best interest of the child, except as herein otherwise provided.

No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceeding in any other court other than another Juvenile Court, nor shall such disposition or evidence operated to disqualify a child in any future civil service examination, appointment, or application.

Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment, a summary of its information concerning such child and give in the order of commitment the birth date of the child or attach thereto a certified copy of the birth certificate.

Sec. 13-A. It is further provided that the juvenile court in which the child has been adjudged delinquent, may, after giving the parent or other responsible person a reasonable opportunity to be heard, adjudge that such parent or other responsible person shall pay in the manner directed by the court such sum as will in whole

or in part support such child whether or not the child is committed to the custody of his own parent or guardian, or whether to any other person, agency or institution. The court shall have full power to enforce said judgments for support by civil contempt proceedings after ten (10) days notice to such parent, guardian or other person responsible for the care and support of the child, of his or her, or of their failure or wilful refusal to carry out the terms of such an order for support. The court shall have power and authority to alter or change such judgments, or suspend the same, as the facts and circumstances and justice may require, upon notice to such parent as above provided for.

Any person interested in any such case may appear therein and may be represented by counsel, and may demand a jury as in other cases. If no jury is demanded, it shall be deemed waived. The judge of the court, of his own motion, may order the jury to try such a case.

Sec. 14. Modification of Judgment, Return of Child to Parents. An order of commitment made by the court in the case of a child shall be subject to modification or revocation from time to time.

A petition may be filed with the committing court requesting the reopening of the case of a child who has been committed by the court to the custody of an institution, agency or person; if the court is of the opinion that the best interest of the child will be served, it may at its discretion proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parents or guardian or be retained in the custody of the institution, agency or person; and may direct such institution, agency or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require; or the court may make a further order or commitment.

Sec. 15. Records. Juvenile Court records shall not be inspected by persons other than probation officers or other officers of the Juvenile Court unless otherwise directed by the court.

Sec. 16. Physical and Mental Examination. The Court may cause any

person coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist, appointed by the court. If it is determined that the child is either feeble-minded or mentally ill, it shall be the duty of the Judge of the Juvenile Court to proceed to have the necessary legal steps taken to have said child adjudged feeble-minded or insane.

Sec. 17. Place of Detention. No female person over the age of 10 years and under the age of 18 years, or any male person over the age of 10 years and under the age of 17 years, shall be placed or committed to any compartment of any jail or lock-up in which persons over juvenile age are incarcerated or detained; but shall be placed in a room or ward separate and apart from that occupied by adults. The proper authorities of all counties shall provide suitable place of detention for such juveniles separate and apart from any jail or lock-up in which adults are confined. Said detention place may be in the same building housing adults, or in a building separate and apart from that where adults are confined.

Sec. 18. Court Sessions. Sessions of the court shall be held as the Judge shall from time to time determine. Suitable quarters shall be provided by the commissioners' court of each county for the hearing of cases and for the use of the Judge, the probation officer and other employees of the court.

Sec. 19. Cooperation. It is hereby made the duty of every county, town or municipal official or department, to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this Act. All institutions or agencies to which the court sends any child are hereby required to give to the court or to any officer appointed by it, such information concerning such child as said court or officer may require. The court is authorized to seek the cooperation of all societies or organizations having for their objects the protection or aid of all children who come within the meaning of this Act.

Sec. 20. Contempt. Any person who wilfully violates, neglects or refuses to obey or perform any order of the court may be proceeded against for contempt.

Sec. 21. Appeals. An appeal may be taken by any party aggrieved to the Court of Civil Appeals, and the case may be carried to the Supreme Court by writ of error or upon certificate, as in other civil cases. Written notice of appeal shall be filed with the Juvenile Court within 5 days after the entering of the order. An appeal, in the case of a child, shall not suspend the order of the Juvenile Court, nor shall it discharge the child from the custody of that court or of the person, institution or agency to whose care such child shall have been committed, unless that court shall so order. However, the appellate court may provide for a recognizance bond. If the appellate court does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the Juvenile Court and remand the child to the jurisdiction of the Juvenile Court for supervision and care, and thereafter the child shall be and remain under the jurisdiction of the Juvenile Court in the same manner as if such court had made said order without an appeal having been taken.

Sec. 22. Saving Clause. In all cases where the court has continuing jurisdiction of the children already adjudged delinquent, any of the Acts herein repealed shall continue in force as applicable to such children, and the provisions of such Statutes may continue to be exercised with reference to all such children where such jurisdiction has already attached.

Sec. 23. Constitutionality. If any Section, Subdivision or clause of this Act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Act.

Sec. 24. Laws Repealed. Articles 1083, 1084, 1085, 1086, 1088, 1089, 1090, 1091, 1092, 1093 of the Code of Criminal Procedure, and Article 1087 of the Code of Criminal Procedure as amended Acts 1927, Fortieth Legislature, Chapter 163, Section 1, are hereby repealed.

Articles 2329 and 2338 of the Revised Civil Statutes of Texas, 1925, are hereby repealed.

All laws and parts of laws in conflict herewith are also repealed.

Sec. 24-A. This Act shall in no wise alter or affect existing laws with reference to dependent or neg-

lected children as that term is defined by Article 2330, Revised Civil Statutes, 1925, and the District Court only shall have original jurisdiction in all proceedings wherein it is sought to have a child adjudged to be a dependent or neglected child, and its findings in such cases shall be entered in a book kept for that purpose to be known as "Juvenile Record."

Sec. 25. Time of Taking Effect. The fact that the present Statutes governing the handling of child delinquents are criminal in nature, instead of a procedure in the nature of guardianship, and the fact that all but very few States have found the guardianship method of handling juvenile delinquents more practicable, and the further fact verified by statistics that juvenile delinquency in Texas has greatly increased in recent years, thus indicating the even greater need for a more realistic method of handling such cases, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in full force and effect 60 days after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—23

Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—2

Aikin	Sulak
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Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 164 Recommended

On motion of Senator Weinert, H. B. No. 164 was recommitted to the Committee on Educational Affairs.

House Concurrent Resolution 108

The President laid before the Senate for consideration at this time:

H. C. R. No. 108, Providing for a joint session of the Legislature at 11:00 o'clock a. m. today to hear an address by the Honorable Robert S. Kerr, Governor of Oklahoma.

The resolution was read, and by unanimous consent of the Senate, it was adopted.

Appointment of Special Committee

The President announced the appointment of the following committee on the part of the Senate to escort the Honorable Robert S. Kerr, Governor of Oklahoma to the joint session to be held in the Hall of the House of Representatives at 11:00 o'clock a. m. today:

Senators Aikin, Sulak, and Morris.

Joint Session

At 11:00 o'clock a. m., the Senate repaired to the Hall of the House of Representatives for a joint session with the House to hear an address by the Honorable Robert S. Kerr, Governor of the State of Oklahoma.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them along the center aisle.

On invitation of the Speaker, the President occupied a seat at the Speaker's desk.

President John Lee Smith called the Senate to order and announced a quorum of the Senate present.

Speaker Price Daniel called the House to order and ascertained and announced the presence of a quorum of the House.

The Honorable Robert S. Kerr, Governor of Oklahoma, and his party and the Honorable Coke R. Stevenson, Governor of Texas, were announced at the bar of the House and were escorted to the Speaker's rostrum by Senators Aikin, Sulak, and Morris, on the part of the Senate, and by Representatives Hanna, King, Winfree, Davis of McLennan, Morgan, Nicholson, Senterfitt, and Summers, on the part of the House.

The Speaker announced the purpose of the joint session, and presented the members of Governor Kerr's party.

The Speaker then presented Governor Stevenson, who introduced the Honorable Robert S. Kerr.

Governor Kerr addressed the joint session.

At the conclusion of the address, the President announced the business of the joint session completed and requested the Senate to retire to its chamber.

In the Senate

The President called the Senate to order at 11:55 o'clock a. m.

**Motion to Recommit House Bill 20
Withdrawn**

The Senate resumed consideration of pending business, same being motion by Senator Moffett to recommit H. B. No. 20, with certain instructions, and to print the bill as it was finally passed by the House.

Senator Moffett then withdrew the motion.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 21, A bill to be entitled "An Act requiring each County Clerk in this State to keep a record known as 'Community Estate Record'; etc.; and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act authorizing courts of record to declare rights, status and other legal relations, to enter declaratory judgments, to determine questions of construction or validity arising under a written instrument, statute, ordinance, contract, or franchise; etc.; and declaring an emergency."

H. B. No. 170, A bill to be entitled "An Act providing for the re-recording of marks and brands; etc.; and declaring an emergency."

H. B. No. 182, A bill to be entitled "An Act making an appropriation of Thirty-two Thousand, Five Hundred and Fifty (\$32,550) Dollars, to the Texas Prison System for the purpose of paying more compensation to cer-

tain employees; etc.; and declaring an emergency."

H. B. No. 256, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, paragraph No. 1, as amended by S. B. No. 118, Acts Regular Session, Forty-sixth Legislature, 1939, providing that no rate for school purposes shall exceed the amount required to produce a total available school fund to pay an apportionment in excess of the amount prescribed in Article 2665, Revised Civil Statutes of Texas, as amended; and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act amending Article 2665, Revised Civil Statutes of the State of Texas, Acts of the Second Called Session, 1909, page 432, as amended by S. B. No. 117, providing formulas to be used by the State Board of Education in estimating the necessary amount to operate the schools for a period of not less than six (6) months; and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act to amend Articles 8011, 8030 and 8031, Revised Civil Statutes, 1925, relating to levee improvement districts, authorizing the commissioners' court having jurisdiction to sell levee improvement district bonds on the best terms and for the best price possible; etc.; and declaring an emergency."

H. B. No. 390, A bill to be entitled "An Act to amend H. B. No. 397, Chapter 444, page 719, Acts of the Forty-seventh Legislature, 1941; etc.; and declaring an emergency."

H. B. No. 393, A bill to be entitled "An Act amending Chapter I of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; etc.; and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act appropriating Three Thousand Three Hundred Eighteen (\$3,318) Dollars to pay certain claims for salary aid filed and approved under the terms of S. B. No. 185, Acts Forty-fifth Legislature, Regular Session, which claims were not paid because of insufficiency of funds; etc.; and declaring an emergency."

H. B. No. 696, A bill to be entitled "An Act amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 3 of H. B. No. 828, Chapter 480, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1 of H. B. No. 1094, Chapter 613, Acts of the Regular Session of the Forty-seventh Legislature; etc.; and declaring an emergency."

H. C. R. No. 104, Commending the Civil Air Patrol of Texas for its excellent work.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 100, Requesting Mrs. T. G. Griffith, as a representative of the Women of Texas, to take a part in the Memorial program on "San Jacinto Day" in the House of Representatives of the Texas Legislature.

H. B. No. 297, A bill to be entitled "An Act for special fire fighting equipment for Dallas County; etc.; and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act making it unlawful to kill or take wild deer or wild turkey in Cass, Bowie, Fannin and Marion Counties for a period of five years; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act to fix the maximum amount of bonds which may be issued by, and to fix the maximum rate of tax to be levied for school purposes in all independent school districts having a population of more than 200,000 and less than 260,000, according to the Federal Census of 1940 or any subsequent legally authorized census, whether under General or Special Law, repealing all laws in conflict herewith, both General and Special; and declaring an emergency."

S. B. No. 43, A bill to be entitled "An Act to authorize the State of Texas through its Attorney General or any County or District Attorney to institute suit to enjoin any person, firm, corporation, or their officers, servants, or employees from demand-

ing, receiving or attempting to collect usurious interest, and from engaging in the business of making loans where usurious interest is charged; regulating the procedure and providing for joinder of more than one defendant in the same action; defining certain terms; providing a saving clause; and declaring an emergency."

S. B. No. 160, A bill to be entitled "An Act to provide for the placing of imprint plates on all State owned postage meters; providing certain information to be placed on the imprint plates; providing a fine for the use of such machine for private purposes; providing for the payment of cost and installation of such plates; and declaring an emergency."

S. B. No. 124, A bill to be entitled "An Act to amend Article 1498, Revised Civil Statutes of Texas of 1925, so as to eliminate therefrom the prohibition against a corporation organized under Chapter 15 of Title 32 borrowing money in excess of its paid up capital stock; and declaring an emergency."

S. B. No. 118, A bill to be entitled "An Act appropriating to the State Soil Conservation Board monies for payment of mileage claims of district supervisors for the fiscal years ending August 31, 1942, and August 31, 1943; etc.; and declaring an emergency."

H. B. No. 642, A bill to be entitled "An Act for the organization and coordination of defense activities in Texas; authorizing the Governor to establish by proclamation a State Defense Council, or other similar body, and such personnel as may be necessary to carry out the provisions of this Act; providing that the Council shall consist of the Governor, as Chairman, and the heads of State agencies, departments, and other institutions whose legal functions relate to important phases of the war effort; requiring the heads of such agencies to give all practical assistance in carrying out the provisions of this Act when requested to do so by the Governor or Council; making an appropriation to cover certain expenses for the period ending August 31, 1943; enumerating the items covered in such appropriation and the manner of making expenditures under this Act; providing for the term of

this Act and the appropriation made herein; authorizing the Governor to appoint the County Judge of each county as County Defense Coordinator; authorizing the Governor to appoint the mayor of each incorporated city as Municipal Defense Coordinator; providing if the County Judge or mayor does not desire to act they may submit names of certain persons to act instead; providing for the functions, powers and duties of such local defense coordinators; authorizing the governing authorities of the counties and incorporated cities to make certain expenditures; etc.; and declaring an emergency."

H. C. R. No. 54, Providing for printing of the Constitution of the State of Texas.

H. B. No. 291, A bill to be entitled "An Act amending Article 57, Revised Civil Statutes of Texas, 1925, as amended; etc.; and declaring an emergency."

H. C. R. No. 32, Encouraging the bringing of industry to Texas which are based on industrialization of our natural resources.

Recess

Senator Moore moved that the Senate recess to 3:00 o'clock p. m. today.

Senator Lane moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—5

Beck
Brownlee
Lane

Martin
Moffett

Nays—18

Aikin
Bullock
Chadick
Graves
Hazlewood
Jones
Lanning

Lovelady
Mauritz
Metcalf
Moore
Morris
Ramsey
Sulak

Vick	Winfield
Weinert	York

Absent

Shivers	Stone
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Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The motion to recess prevailed; and the Senate, accordingly, at 12:05 o'clock p. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

Senate Concurrent Resolution 46

Senator Stone, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 46, Authorizing correction in enrolled copy of S. B. No. 7.

Whereas, It has been discovered that an error was made in writing S. B. No. 7 attached to the Conference Committee report, which report has been adopted by the Senate of the State of Texas in that a comma is erroneously inserted after the word "banks" and before the word "or" in line 23, page 1 of said bill; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be directed to delete said comma from said S. B. No. 7.

STONE,
GRAVES.

The resolution was read; and, on motion of Senator Stone, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 47

Senator Moore, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 47, Authorizing correction in enrolled copy of S. B. No. 43.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor is hereby respectfully requested to return S. B. No. 43 to the Senate and that when such is done the Enrolling Clerk of the Senate is instructed to correct the typographical error in Section 2 thereof by inserting the word "making" in lieu of the word "engaging," the word "making" having been used in the original bill.

The resolution was read; and, on motion of Senator Moore, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Reference of House Concurrent Resolution 104

H. C. R. No. 104, received from the House today, was laid before the Senate, read first time and referred to the Committee on Military Affairs.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 696, to Committee on Oil, Gas and Conservation.

H. B. No. 464, to Committee on Finance.

H. B. No. 393, to Committee on Privileges and Elections.

H. B. No. 334, to Committee on State Affairs.

H. B. No. 390, to Committee on Counties.

H. B. No. 257, to Committee on Education.

H. B. No. 256, to Committee on Education.

H. B. No. 182, to Committee on Finance.

H. B. No. 170, to Committee on Counties.

H. B. No. 34, to Committee on Civil Jurisprudence.

H. B. No. 21, to Committee on Civil Jurisprudence.

House Joint Resolution 8

Senator Graves called from the table, for further consideration at this time (the resolution having been read second time and tabled subject to call on yesterday):

H. J. R. No. 8, Proposing an amendment to Section 51 of Article 3 of the

Constitution of the State of Texas, by adding thereto Sections 51e and 51f; Section 51e providing that cities and towns in this State shall have the power and authority to provide a system of retirement and disability pensions for its employees, provided, however, that no pension system shall be set up in any city until it has been approved at an election by qualified voters entitled to vote at an election on the question of the issuance of tax-supported bonds; Section 51f providing that the Legislature shall have authority to provide a system of retirement and disability pensions for appointive officers and employees of cities and towns to operate State-wide or by districts under such plan or program as the Legislature shall direct and shall provide that participation therein by cities and towns shall be voluntary; providing for an election on the question of the adoption or rejection of such an amendment and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing the form of ballot.

The President laid the resolution before the Senate.

Senator Graves offered the following amendments to the resolution:

(1)

Amend H. J. R. No. 8, page one (1) of the printed bill, by striking out the period in line 60 of Section 51f and adding the following:

" ; provided that the Legislature shall never make an appropriation to pay any of the cost of any system authorized by this Section."

(2)

Amend caption to conform to the body of the resolution.

The amendments were adopted severally.

On motion of Senator Graves, the resolution (as amended) was tabled subject to call.

Senate Bill 256 with House Amendments

Senator Hazlewood called S. B. No. 256 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Sen-

ate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

(President pro tempore Mauritz in the Chair.)

Senator Martin moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

Question first recurring on the motion of Senator Martin, it prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Hazlewood, Moore, Stone, Aikin, and Vick.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 251, A bill to be entitled "An Act concerning trusts and trustees; etc.; and declaring an emergency."

Respectfully submitted

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 299 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 299, A bill to be entitled "An Act to amend Article 607 of the Penal Code of Texas, of 1925, by adding thereto Subsections 15, 16, 17, 18, 19, and 20, the purpose of this Act being to include additional persons as vagrants, to define the terms 'prostitution,' 'lewdness' and 'assignation' fixing a penalty, to repeal all conflicting laws, providing that if any part of this Act is declared invalid it shall not affect the validity of the remainder of this Act; etc.; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 299 by striking out of Subsection fifteen (15), Section one (1), in lines forty and forty-one the following:

"or other place for the purpose of unlawful sexual intercourse."

The amendment was adopted.

The bill was passed to third reading.

House Bill 299 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 299 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Conference Committee on House Bill 666

Senator Lanning called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 666.

Senator Lanning moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Lanning, Aikin, Moffett, Stone, and Winfield.

House Bill 316 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 316, A bill to be entitled "An Act to amend Section 13, of Chapter 478, of the Acts of the Regular Session of the Forty-fifth Legislature of Texas, so as to provide that a registered architect who has entered service in the United States Army, Navy, Marine Corps, or Coast Guard subsequent to October 1st, 1940, and who was at the time of his entry into said service or is now in good standing as a registered architect, shall have his name continued on the list of registered architects and shall be exempt from the payment of any further license fee during his service, as aforesaid, and until honorary discharge, and when honorably discharged from the service he shall be exempted from the payment of such fee for the then current fiscal year; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 316 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 316 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 47, Authorizing certain corrections to be made in S. B. No. 43.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 352 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 352, A bill to be entitled "An Act to amend Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, as amended by Section 1, S. B. No. 462, Acts of the Forty-sixth Legislature, Regular Session, providing for the appointment and confirmation of members of the State Commission for the Blind; providing that the present members of said Commission should continue to hold office for the term to which they have been appointed and confirmed; etc.; and declaring an emergency."

The bill was read second time.

Senator Graves offered the following amendment to the bill:

A motion to amend H. B. No. 352 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, as amended by Section 1, S. B. No. 462, Acts of the Forty-sixth Legislature, Regular Session, is hereby amended so as to hereafter read as follows:

"Section 1. There is hereby created and established the State Commission for the Blind, consisting of six (6) members to be appointed by the Governor and confirmed by the Senate of Texas. Two (2) to be a graduate of the Texas School for the Blind and the other four (4) to be outstanding citizens of Texas, and whose terms of office shall be for six (6) years each, or until their successors shall have been appointed and qualified; provided, however, that the Governor shall name the Chairman thereof and that four (4) members thereof shall constitute a quorum for the transaction of business; providing the term of two (2) members to expire January 1, 1945, the term of two (2) members to expire January 1, 1947, and the term of two (2) members to expire January 1, 1949; provided, however, that the present members of the State Commission for the Blind who have previously been appointed by the Governor and confirmed by the Senate shall continue to hold office for the term to which they

have been appointed. The Governor shall designate which appointee he desires to fill each term and shall make such appointments immediately after the effective date of this Act. Vacancies shall be filled for any unexpired term by appointment by the Governor with the advice and consent of the Senate. On January 1, 1945, and biennially thereafter, vacancies existing on said Commission shall be filled and members selected shall be appointed for a full term of six (6) years, and each member of said Commission shall hold office until his successor has been appointed and has qualified by taking the oath of office.'

"Sec. 2. All laws in conflict with this Act are hereby repealed to the extent of such conflict only.

"Sec. 3. No paid employee of any agency carrying on work for the blind shall be eligible for appointment. Members of the Commission for the Blind shall serve without compensation but shall receive their necessary traveling and other expenses actually incurred in the performance of their duties. The Commission for the Blind shall annually elect a Secretary and such other employees as may be authorized by the general or special appropriation for said Commission.

"Sec. 4. The fact that duties delegated to the State Commission for the Blind have assumed such proportion as to make the responsibility too great to be delegated to a three (3) member board and that a six (6) member board is necessary to assume responsibility for the adoption of all policies, rules and regulations for the government of the State Commission for the Blind, to the end that the best interest of the people of the State of Texas will be served, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

The bill was passed to third reading.

House Bill 352 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 352 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 368 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 368, A bill to be entitled "An Act empowering the commis-

sioners' court to create the office of Veterans County Service Office and authorizing the appointment by the commissioners' court of a Veterans County Service Officer and Assistant Veterans County Service Officers and other necessary personnel; etc.; and declaring an emergency."

The bill was read second time.
(President in the Chair.)

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 368 by adding the following after the word "salary" in line 49, the following:

"not to exceed One Hundred (\$100.00) Dollars per month for the principal officer or more than Fifty (\$50.00) per month."

**METCALFE,
BECK.**

The amendment was adopted.

On motion of Senator Moffett, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The bill was passed to third reading.

House Bill 368 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 368 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 120 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 120, A bill to be entitled "An Act relating to marks and brands of livestock in Fayette County; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 120 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 158 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 158, A bill to be entitled "An Act amending Article 3193h of Title 51, Chapter 2, of the Revised Civil Statutes of 1925, so as to provide for the length of time that a voluntary patient may remain in a State Hospital; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 158 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 158 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey

Shivers	Weinert
Stone	Winfield
Sulak	York
Vick	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 20 Ordered Mimeographed

On motion of Senator Sulak, and by unanimous consent, H. B. No. 20 as passed by House was ordered mimeographed.

House Bill 510 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 510, A bill to be entitled "An Act to amend Section 18 of Chapter 137 of the Special Laws of the Regular Session of the Forty-second Legislature known as the Bexar County Road and Bridge Law, as amended by Chapter 44 of the Special Laws of the Regular Session of the Forty-third Legislature, providing manner of expending and apportioning monies now on hand and coming into the Road and Bridge Fund of Bexar County, Texas; etc.; and declaring an emergency."

The bill was read second time.

On motion of Senator Mauritz, the bill was tabled subject to call.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following resolution:

S. C. R. No. 44, Be It Resolved by
the Senate of Texas, the House of
Representatives concurring, That H.
B. No. 564 be returned to the Senate
for further consideration.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 150 on Second Reading

The President laid before the Sen-
ate on its second reading and pas-
sage to third reading:

H. B. No. 150, A bill to be entitled
"An Act to amend Article 6954 of
the Revised Civil Statutes of 1925,
as same has been heretofore amended,
so as to permit Stonewall County to
have a stock law election; etc.; and
declaring an emergency."

The bill was read second time.

Senator Bullock offered the follow-
ing amendment to the bill:

Amend H. B. No. 150 by striking
out all above the enacting clause and
inserting in lieu thereof the follow-
ing:

"A BILL

"To Be Entitled

"An Act amending Article 6954 of
the Revised Civil Statutes of Texas
of 1925, as same has been heretofore
amended, so as to permit certain
counties to have a stock law election;
and declaring an emergency."

The amendment was adopted.

The bill was passed to third read-
ing.

House Bill 150 on Third Reading

Senator Bullock moved that the
constitutional rule requiring bills to
be read on three several days be sus-
pended and that H. B. No. 150 be
placed on its third reading and final
passage.

The motion prevailed by the fol-
lowing vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill be-
fore the Senate on its third reading
and final passage.

The bill was read third time and
was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following:

The House refused to concur in
Senate amendments to H. B. No. 10
and has requested the appointment of

a Conference Committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Roark, Young, Storey, Montgomery, and Lucas.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Conference Committee on House Bill 10

Senator Vick called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 10.

Senator Vick moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Vick, Lovelady, Ramsey, Aikin, and Morris.

(President pro tempore in the Chair.)

Committee Substitute House Bill 458 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

C.S.H.B. No. 458, A bill to be entitled "An Act making an appropriation of Five Hundred Fifty (\$550) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on February 15, A. D. 1943, in the One Hundred Twenty-sixth District Court of Travis County, Texas, in cause No. 67,829, wherein W. L. Priddy is plaintiff and the State of Texas is defendant, for the principal sum of Five Hundred (\$500) Dollars with interest at the legal rate of six (6) per cent per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of Five Dollars Eighty-five Cents (\$5.85), and providing further that the Comptroller of the State of Texas be directed to issue warrant to pay said judgment to the party herein named in payment of the same and the amount specified herein; and declaring an emergency."

The bill was read second time and was passed to third reading.

Committee Substitute House Bill 458 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 458 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 67 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 67, A bill to be entitled "An Act amending Article 1302,

Chapter one of Title 32 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new Subdivision to be known as Subdivision 44a, providing for the formation of private corporations to own, lease, operate and manage hotels and tourist courts and to own the stocks, bonds and other securities of hotel and tourist court corporations; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 67 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick

Weinert
Winfield

York

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 9, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute attached hereto do pass in lieu thereof and be printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 108, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached Committee amendments and be printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 605, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

H. B. No. 309, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 390, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

House Bill 564 on Final Passage

The President pro tempore laid before the Senate on its final passage (the vote by which the bill was passed on yesterday having been reconsidered):

H. B. No. 564, A bill to be entitled "An Act providing a special license for those who trap beaver or otter outside the county of their residence; etc.; and declaring an emergency."

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 564 by adding at the end of Section 2 thereof the following:

"and it shall be unlawful for any person during any open season provided for in this Section of this Act to take more than three (3) beaver."

And amend caption accordingly.

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 292 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 292, Repealing Chapter 396, S. B. No. 491, Acts of the Regular Session of the Forty-fifth Legislature, which fixes a filing fee of candidates for Congress in certain counties; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 292 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 292 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Lane
Chadick	Lanning

Lovelady	Shivers
Martin	Stone
Mauritz	Sulak
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Ramsey	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

House Bill 120 on Final Passage

Senator Sulak moved to reconsider the vote by which H. B. No. 120 was passed today.

The motion to reconsider prevailed.

The President pro tempore laid the bill before the Senate on its final passage.

Question—Shall the bill be passed?

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bills and resolution:

H. C. R. No. 105, Creating the public policy of the State concerning the Caucasian Race.

H. B. No. 439, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm, corporation, association, town, city or other political subdivision of this State, or any agent, officer, employe, or representative of same to pollute any surface stream or public body of water in this State; etc.; and declaring an emergency."

S. B. No. 123, A bill to be entitled "An Act providing for secret ballot, repealing laws in conflict herewith, providing a savings clause; etc.; and declaring an emergency."
(With amendments.)

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Morris, the Senate, at 4:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of

H. A. Wroe

Senator Brownlee offered the following resolution:

(Senate Resolution 78)

Whereas, On Wednesday, April 14, a distinguished and useful life came to an end in the death of H. A. Wroe of Austin, Texas; and

Whereas, Mr. Wroe was a member of an outstanding family of loyal Texans; and

Whereas, He served the University of Texas for a number of years as a member of its Board of Regents, and well and faithfully administered the bequests of Major George W. Littlefield to The University of Texas; and

Whereas, Mr. Wroe was prominently identified with civic and fraternal activities in Austin, and was one of the best known bankers in the entire Southwest; and

Whereas, He has generously contributed his time and energy to the affairs of the Democratic party in Texas; and

Whereas, He was an exemplary citizen of high ideals and by his innumerable good qualities will leave with his fellow citizens a memory that he has been a true American, and his passing has brought sorrow and a distinct loss to the people of Texas, and to his relatives and to his many friends to whom he gave so generously of his time and service; and

Whereas, It is fitting and proper that the Senate of Texas pay tribute to such a worthy gentleman; now, therefore, be it

Resolved, That the Senate extend to the members of his family our sincere sympathy at his passing, and that a copy of this resolution be spread on the Senate Journal in memory of Mr. Wroe, and that the Secretary of the Senate be instructed to send a copy of this resolution to the members of his family.

BROWNLEE.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Aikin, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.